

Outside Sections 4-3



Section 4 - CPAT Changes

SECTION 4.

Chapter 6A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out section 4A and inserting in place thereof the following section:-

Section 4A. Each secretary shall, in coordination with the office of the governor, and at the executive office and agency levels (1) develop measurable, outcome-based performance goals and a focused set of performance metrics to track progress and execution, (2) measure performance, on an ongoing basis, against said goals and metrics; and (3) establish strategies to improve government performance informed by said goals and metrics. A summary of performance results shall be reported publicly on an annual basis in consultation with the office of the governor.

Summary:

This section describes the responsibility of the Governor's Office, and each executive office, for performance management.

Section 5 - Center for Health Information and Analysis

SECTION 5.

Section 16 of said chapter 6A, as amended by section 1 of chapter 35 of the acts of 2013, is hereby amended by inserting, in line 23, after the words "the division of medical assistance," the following words:- ", the center for health information and analysis" .

Summary:

This section re-establishes the center for health information and analysis (CHIA) as an entity operating within the executive office of health and human services.

Section 6 - MassDOT Advertising

SECTION 6.

Section 3 of chapter 6C of the General Laws, as amended by section 3 of chapter 46 of the acts of 2013, is hereby amended by adding the following paragraph:- (49) sell, lease, or otherwise contract for advertising, including in or on the facilities of the department.

Summary:

This section reduces ambiguity by explicitly authorizing MassDOT to sell, lease or otherwise contract for advertising, including on or in its own facilities.

Section 7 - CPAT Changes

SECTION 7.

Section 4A of chapter 7 of the General Laws, as most recently amended by sections 19 and 20 of chapter 165 of the acts of 2014, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The executive office for administration and finance shall include a division of capital asset management and maintenance, which shall be headed by a commissioner as provided in section 2 of chapter 7C, and a department of revenue as provided in chapter 14. In addition, the executive office for administration and finance shall include the following divisions: human resources, information technology, fiscal affairs and operational services, which divisions shall develop policy and standards to govern the conduct of commonwealth secretariats, departments, agencies, boards and commissions in each of these areas, and shall provide expertise and centralized processing to said secretariats, departments, agencies, boards, commissions and other entities of state government.

Summary:

This section together with the following section eliminates the office of commonwealth performance, accountability and transparency (CPAT) as an office within ANF. ANF will continue to be responsible for several accountability and transparency functions, including administering the Open Checkbook website, while the Office of the Governor will oversee performance management.

Section 8 - CPAT Changes

SECTION 8.

Said section 4A of said chapter 7, as so amended, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) The executive office shall prioritize accountability and transparency and may establish a division to that end. As used in this subsection, the terms accountability and transparency shall include the operation of the searchable website required by section 14C and may include: (1) the monitoring and review of federal grant applications made on behalf of the commonwealth, coordinating efforts to maximize federal revenue opportunities and oversight of compliance with federal reporting requirements; (2) ensuring transparency of the commonwealth's administration and finance activities; (3) establishing and maintaining a central intake unit for reports of fraud, waste and abuse; (4) establishing and maintaining an economic forecasting and analysis unit to coordinate all spending and revenue forecasting by state agencies and coordinate with the caseload and economic forecasting office established in section 4R; (5) reducing and simplifying paperwork of state agencies and departments by adopting uniform forms or federal forms, if possible, when they are shorter than the corresponding state forms; (6) implementing and streamlining electronic paperwork options to better facilitate public interaction with state agencies; and (7) collaboration with other state agencies, authorities and other entities to carry out the foregoing.

Summary:

This section together with the preceding section eliminates the office of commonwealth performance, accountability and transparency (CPAT) as an office within ANF. ANF will continue to be responsible for several accountability and transparency functions, including administering the Open Checkbook website, while the Office of the Governor will oversee performance management.

Section 9 - CPAT Trust Fund Changes

SECTION 9.

Section 4F1/2 of said chapter 7, as appearing in the 2012 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-The secretary of administration and finance shall expend funds in the trust without further appropriation to support the priorities of accountability and transparency, as those terms are defined in subsection (e) of section 4A, and to support any performance management programs that the office of the governor may from time to time develop.

Summary:

This section allows the Commonwealth Performance, Accountability and Transparency Trust to continue to support accountability and transparency efforts, while also supporting the performance management initiatives that will now be run by the Governor's Office.

Section 10 - Center for Health Information and Analysis

SECTION 10.

Chapter 12C of the General Laws, as so appearing, is hereby amended by striking out sections 2 to 5, inclusive, and inserting in place thereof the following 4 sections:

Section 2. There is hereby established a center for health information and analysis. The center shall be under the administrative supervision of the executive director. The secretary of health and human services, with the approval of the governor, shall appoint the executive director who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The executive director shall have such educational qualifications and administrative and other experience as the secretary of health and human services determines to be necessary for the performance of the duties of executive director.

Section 3. The executive director may appoint and remove, subject to appropriation, such agents and subordinate officers and employees as the executive director may consider necessary and may establish such subdivisions within the center as the executive director considers appropriate to fulfill the following duties: (i) to collect, analyze and disseminate health care information to assist in the formulation of health care policy and in the provision and purchase of health care services including, but not limited to, collecting, storing and maintaining data in a payer and provider claims database; (ii) to provide an analysis of health care spending trends as compared to the health care cost growth benchmark established by the health policy commission under section 9 of chapter 6D; (iii) to collect, analyze and disseminate information regarding providers, provider organizations and payers to increase the transparency and improve the functioning of the health care system; (iv) to provide information to, and work with, the general court and other state agencies including, but not limited to, the executive office of health and human services, the department of public health, the department of mental health, the health care policy commission, the office of Medicaid and the division of insurance to collect and disseminate data concerning the cost, price and functioning of the health care system in the commonwealth and the health status of individuals; (v) to participate in and provide data and data analysis for annual hearings conducted by the health policy commission concerning health care provider and payer costs, prices and cost trends; and (vi) report to consumers comparative health care cost and quality information through the consumer health information website established under section 20. The center shall make available actual costs and prices of health care services, as supplied by each provider, to the general public in a conspicuous manner on the consumer health information website.

Section 4. The position of executive director shall be classified under section 45 of chapter 30 and the salary shall be determined under section 46C of said chapter 30.

The total amount of all appointee salaries shall not exceed the sum appropriated therefor by the general court.

Section 5. The center shall adopt and amend rules and regulations, in accordance with chapter 30A, for the administration of its duties and powers and necessary to effectuate this chapter. The regulations shall be adopted, after notice and hearing, only upon consultation with representatives of providers, provider organizations, private health care payers and public health care payers.

The center shall, before adopting regulations under this chapter, consult with other agencies of the commonwealth and the federal government, affected providers, and affected payers, as applicable, to ensure that the reporting requirements imposed under the regulations are not duplicative or excessive. If reporting requirements imposed by the center result in additional costs for the reporting providers, these costs may be included in any rates promulgated by the executive office of health and human services or a governmental unit designated by the executive office for these providers. The center may specify categories of information which may be furnished under an assurance of confidentiality to the provider; provided, however, that such assurance shall only be furnished if the information is not to be used for setting rates.

Summary:

This section realigns the organization of the center for health information and analysis to make that organization consistent with its re-location within the executive office of health and human services.

Section 11 - Board of Registration in Medicine Oversight

SECTION 11.

Section 10 of chapter 13 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:- The board may adopt, amend and rescind such rules and regulations as it considers necessary and may adopt and publish rules of procedure and other regulations not inconsistent with other provisions of the General Laws.

Summary:

This section eliminates the authority of the Board of Registration in Medicine (BORIM) to hire attorneys and to enter into contracts or make other arrangements for administrative services.

Section 12 - Board of Registration in Medicine Oversight

SECTION 12.

Section 10A of said chapter 13 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

Summary:

This section modifies the provisions under which the commissioner of the Department of Public Health (DPH) may review any rule or regulation issued by BORIM. The revised language eliminates the existing provision whereby any such rule or regulation submitted to the commissioner is deemed approved unless the commissioner indicates disapproval within 15 days of submission.

Section 13 - Tourism Grants

SECTION 13.

Chapter 23A of the General Laws, as so appearing, is hereby amended by striking out section 14, and inserting in place thereof the following section:-

Section 14. (a) The office of travel and tourism is hereby directed, subject to appropriation, to establish a program for financial assistance to those public or nonprofit agencies which promote or provide services for tourism, convention, travel and recreation in the commonwealth. Funds shall be for competitive grants to any public or nonprofit agency which has been in operation for 2 consecutive years prior to application for funds under this section and which spends not less than \$15,000 in its fiscal year on tourism, or a public or nonprofit agency which has a total budget larger than the average of Massachusetts tourist promotion agencies as estimated by the executive director of the office of travel and tourism and which spends 25 per cent of said budget on tourism.

(b) Funds shall be used to strengthen efforts of tourism, convention, travel and recreation agencies to attract and service visitors to the commonwealth and to better manage and distribute the influx of said visitors. The amount of funds received by any one agency shall be based on, but shall not be limited to, the following criteria:

- (1) geographical size and population served by such agency;
- (2) amount of matching funds from nongovernmental sources;
- (3) assurance that the funded proposal will be in addition to the work currently being done by the agency and that the agency will maintain a continued effort of the funded program;
- (4) demonstrated effectiveness of agency;
- (5) integration of agency's tourism promotion plans with other private and public agency plans.

No funds may be spent for travel, entertainment, or purchase of equipment under this section.

(c) The office of travel and tourism is hereby authorized to make grants to agencies to assist such agencies in planning and carrying out their promotional programs and projects; provided, that before any such grant may be made;

(1) the agency shall have made application to the office of travel and tourism for such grant, and shall have set forth the program proposed to be undertaken for the purpose of encouraging and stimulating tourist, convention, visitor and vacation business. The application shall further state, with evidence satisfactory to the office of travel and tourism, the amount of nongovernmental funds held by or committed or subscribed to the agency for application to the proposals herein described and the amount of the grant for which application is made;

(2) the office of travel and tourism, after review of the application, shall be satisfied that the program of the agency appears to be in accord with the purpose of this section, and shall authorize the making of a grant to such agency;

(3) the maximum received by a private nonprofit agency shall be no greater than the amount received by that agency from nongovernmental sources.

(d) Any agency receiving funds under this section shall make a report to the house and senate committees on ways and means on the use of said funds at such time and in such form as the executive director of the office of travel and tourism shall specify. The executive director of the office of travel and tourism shall establish guidelines regulating the dispersal of funds under this section.

Summary:

This section proposes to eliminate the current statutory entitlement of each regional tourism council to grant funding and convert tourism funding into a competitive program.

Section 14 - Commonwealth Care Trust Fund Spending

SECTION 14.

Section 2000 of chapter 29 of the General Laws, as amended by section 41 of chapter 38 of the acts of 2013, is hereby amended by inserting after the seventh sentence the following sentence:- To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent estimate, as certified by the Secretary of Administration and Finance, of revenues to be deposited under this section to the Commonwealth Care Trust Fund during fiscal year 2016.

Summary:

This section codifies the ability of the Commonwealth Care Trust Fund to spend in anticipation of revenues

Section 15 - Medical Assistance Trust Fund Authority

SECTION 15.

Section 2QQQ of said chapter 29, as appearing in the 2012 Official Edition, is hereby amended by striking out the words "supplemental Medicaid payments" and inserting in place thereof the following words: -- "Medicaid supplemental and incentive payments."

Summary:

This section authorizes the Medical Assistance Trust Fund to make incentive payments, in addition to supplemental Medicaid payments, to publicly-owned hospitals, as required under the new Medicaid waiver agreement with the federal government.

Section 16 - Classification Appeals

SECTION 16.

Section 49 of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any manager or employee of the Commonwealth objecting to any provision of the classification affecting his office or position may appeal in writing to the personnel administrator.

Summary:

Under current law, a challenge to a civil service classification requires a hearing, regardless of its merit. This section permits challenges to be resolved on the written record, thereby conserving state resources.

Section 17 - FY17 Pension Transfer**SECTION 17.**

Section 22C of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out the figure "\$2,169,000,000," as inserted by section 69 of chapter 165 of the acts of 2014, and inserting in place thereof the following figure:- \$2,217,749,000.

Summary:

This section changes the amount required to be transferred to the retirement system in fiscal year 2017, to reflect the impact in that year of the early retirement incentive program implemented during fiscal year 2015 on the retirement system.

Section 18 - GIC Contribution Ratios**SECTION 18.**

Section 8 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:-

For policies of group life insurance and accidental death and dismemberment insurance, and group health insurance purchased by the commission in accordance with the provisions of sections 4, 5 and 10C, the commonwealth, on behalf of active employees and their dependents, shall contribute 75 per cent of the total monthly premium or rate applicable to said coverages and the active employees on behalf of themselves or themselves and their dependents shall contribute the remaining 25 per cent of the total monthly premium or rate. For such policies, the commonwealth, on behalf of retired employees and their dependents, shall contribute no less than 75 per cent of the total monthly premium or rate applicable to said coverages and the retired employees on behalf of themselves or themselves and their dependents shall contribute the remaining 25 per cent of the total monthly premium or rate, except, that upon approval by way of an annual, or more frequent appropriation act, the commonwealth may contribute more than 75 per cent but less than the entire total monthly premium or rate.

Summary:

Under current law, state employees hired before July 1, 2003, must contribute twenty percent of their monthly health insurance premium, while those hired thereafter contribute twenty-five percent. This section equalizes that contribution at twenty-five percent.

Section 19 - Secure Vital Registry Trust Fund**SECTION 19.**

Chapter 46 of the General Laws, as so appearing, is hereby amended by adding the following

section:-

Section 35. There shall be established on the books of the commonwealth a separate fund known as the Secure Vital Registry Trust Fund to be expended without prior appropriation by the department of public health. The trust shall consist of the commonwealth's share of revenues collected after July 1, 2015 for the provision of records under this chapter by state or local officials under a schedule promulgated pursuant to section 3B of chapter 7. The commissioner of public health or a designee shall be the trustee of the fund and shall make expenditures from the fund for the administrative costs of development, maintenance, and operation of the centralized, automated database for the system of vital records and statistics described in section 33. The department may incur expenses, and the comptroller may certify for payment amounts in anticipation of expected receipts; provided however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Monies deposited in the trust fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

Summary:

This section establishes the Secure Vital Registry Trust Fund as a trust administered by DPH, that it can use to support its development and maintenance of a secure registry of vital records, accessible by both state and municipal officials.

Section 20 - Duration of DCR Permits

SECTION 20.

Section 33 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the words "5 years" and inserting in place thereof the following words:- 10 years, and shall be in writing.

Summary:

This section authorizes the Department of Conservation and Recreation (DCR) to enter into written permits of up to 10 years for open spaces for exercise and recreation in the Greater Boston area. Currently, DCR is only allowed to enter into 5-year permits.

Section 21 - Vaccine Purchase Trust Fund

SECTION 21.

Subsection (b) of section 24N of chapter 111 of the General Laws, as inserted by section 1 of chapter 28 of the acts of 2014, is hereby amended by inserting after the fifth sentence the following sentence:-

The department may incur expenses and the comptroller may certify for payment amounts in anticipation of the most recent estimate of expected receipts, as certified by the Secretary of Administration and Finance; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year.

Summary:

This section adds a sentence allowing DPH to spend in anticipation of revenues out of the Vaccine

Purchase Trust Fund, which was enacted last year in chapter 28 of the acts of 2014.

Section 22 - Board of Registration in Medicine Oversight

SECTION 22.

Section 1 of chapter 112 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:- The commissioner of public health shall supervise the work of the board of registration in medicine, the board of registration in nursing, the board of registration in pharmacy, the board of registration of physician assistants, the board of registration of perfusionists, the board of registration of nursing home administrators, the board of registration in dentistry, and the board of registration of respiratory therapists. For each such board, the commissioner shall recommend changes in the methods of conducting examinations and transacting business and shall make such reports to the governor as the commissioner may require or the director may deem expedient.

Summary:

This section places BORIM under the supervision of the commissioner of DPH. Currently, BORIM is not listed as one of the boards that DPH is directed to supervise pursuant to section 1 of chapter 112.

Section 23 - Expanding Fee Waivers for Veterans Under the Valor Act

SECTION 23.

Section 1B of said chapter 112, as amended by section 23 of chapter 62 of the acts of 2014, is hereby amended by adding the following subsection:-

(g) The commissioner of public health and each of the boards of registration and examination under the commissioner's supervision shall waive the commonwealth's portion of the initial application fee and the initial fee for a license application or certification granted pursuant to this section.

Summary:

This section provides for waivers of license application fees for veterans regardless of whether the licensing board is supervised by the Division of Professional Licensure or the Department of Public Health.

Section 24 - Volume Purchasing of Durable Medical Equipment

SECTION 24.

Section 12 of chapter 118E of the General Laws, as amended by section 27 of chapter 35 of the acts of 2013, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The division may enter into any types of contracts with providers and manufacturers of medical services, equipment and supplies as the division deems necessary to carry out the provisions of this chapter, including, but not limited to, selective contracts, volume purchase contracts, preferred provider contracts and managed care contracts. The division may negotiate the rate of reimbursement to the provider under any such contract, and any such negotiated rate shall not be

subject to the provisions of sections 13 through 13F of chapter 118E.

Summary:

MassHealth is currently authorized to contract with providers for services, as long as those contracts are reviewed by CHIA and by ANF. This section expands that authorization to permit MassHealth to also contract with manufacturers of equipment and supplies. This section also eliminates review of all such contracts by CHIA and ANF.

Section 25 - BBRS Mailing Requirements

SECTION 25.

Section 94 of Chapter 143 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 63, the words "and to send a copy" and inserting in place thereof the following words:- and to send, by electronic or other means, notice.

Summary:

This section saves mailing and copying expenses by allowing the Board of Building Requirements and Standards (BBRS) to send electronic notice of amendments of the building code to the over 300 building inspectors and commissioners in the Commonwealth. BBRS is currently statutorily required to mail such amendments.

Section 26 - MBTA Resiliency Fund

SECTION 26.

Chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after section 18 the following section:-

Section 18A. There shall be established and set up on the books of the Massachusetts Bay Transportation Authority a separate fund to be known as the Weather Resiliency Fund, which shall be used exclusively for financing operating costs, projects and programs to prevent and eliminate vulnerabilities within the authority to temperature, precipitation, flooding, drought and wildfire. There shall be credited to the fund through the annual operating budget such sums as determined by the authority's chief financial officer; provided further, that all expenditures from the fund must be approved by the chief financial officer and general manager.

Summary:

This section would establish a "Weather Resiliency Fund" on the books of the Massachusetts Bay Transportation Authority (MBTA).

Section 27 - Delay FAS 109 Deduction

SECTION 27.

Subsection (2) of section 95 of chapter 173 of the acts of 2008 is hereby amended by striking out the figure "2016", inserted by section 189 of chapter 165 of the acts of 2014, and inserting in place thereof the following figure:- 2017.

Summary:

This section delays until tax year 2017 the start of the deduction allowed to certain publicly-traded companies to offset increases in their net deferred tax liability that resulted from the commonwealth's implementation of combined reporting.

Section 28 - Pension Cost of Living Adjustment

SECTION 28.

Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees' retirement system and the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs subject to the rules adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' retirement system or state teachers' retirement system and also including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the secretary of administration and finance with the house and senate committees on ways and means and the joint committee on public service in advance of the distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. If the amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund established in subdivision (8) of section 22 of said chapter 32 for the purpose of reducing the unfunded pension liability of the commonwealth.

Summary:

This annual section explains how the Commonwealth is fulfilling its various obligations to the state retirement system, including the obligation to fund a 3% cost-of-living adjustment on the first \$13,000 of a retiree's annual retirement allowance.

Section 29 - ERIP Savings

SECTION 29.

Notwithstanding any general or special law to the contrary:

(a) Whenever the secretary of administration and finance determines that an early retirement incentive program has resulted in cost savings for an agency of the executive department during fiscal year 2016, the secretary may reduce allotments under section 9B of chapter 29 of the General Laws to reflect some or all of the amounts saved.

(b) If as of October 1, 2015 the secretary of administration and finance determines that allotment reductions related to an early retirement incentive program in fiscal year 2016 shall be insufficient to generate fiscal year 2016 direct payroll savings of \$325,100,000, without counting the sums appropriated in items 1599-0055, 1599-0057 and 1599-0063 contained in section 2, the secretary may submit to the chairs of the house and senate committees on ways and means a cost saving plan to reduce allotments under said section 9B of said chapter 29; provided, however, that no allotment reductions shall be made under this subsection before the submission of a cost savings plan.

Summary:

This section recognizes the savings that are expected to result from the early retirement incentive program (ERIP). It authorizes the secretary of administration and finance to reduce allotments by \$325.1 M, the expected amount of gross savings from implementing that program.

Section 30 - Suspension of Tourism Formula

SECTION 30.

Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2016.

Summary:

This section suspends for fiscal year 2016 the so-called "tourism formula," which statutorily governs the collection and distribution of moneys deposited into the Tourism Fund.

Section 31 - Treatment of Capital Gains in FY16

SECTION 31.

Notwithstanding any general or special law to the contrary, the comptroller shall not make any transfers required under section 5G of chapter 29 of the General Laws attributable to capital gains tax collections during fiscal year 2016.

Summary:

This section, which duplicates a section included in the fiscal year gap-closing legislation sponsored and signed by Governor Baker, allows all capital gains tax collections to be credited to the General Fund in fiscal year 2016.

Section 32 - FEMA Reimbursements

SECTION 32.

Notwithstanding any general or special law to the contrary, the comptroller shall transfer not more than \$17,000,000 in reimbursements received from the Federal Emergency Management Agency during fiscal year 2016 for costs incurred as a result of severe winter storms during January and February of 2015 to the Massachusetts Transportation Trust Fund, to defray snow and ice removal expenses during fiscal year 2016.

Summary:

This section allows federal reimbursements of up to \$17 million stemming from the severe winter storms in January and February of 2015 to be transferred to the Massachusetts Transportation Trust Fund to defray snow and ice expenses during fiscal year 2016.

Section 33 - Special Education Inflation Rate Freeze

SECTION 33.

Notwithstanding any general or special law to the contrary, the operational services division which, under section 22N of chapter 7 of the General Laws, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set those prices in fiscal year 2016 at the same level calculated for fiscal year 2015, except the prices for those programs for extraordinary relief, as defined in the division's regulations. Programs for which prices in fiscal year 2015 were lower than the full amount permitted by the operational services division may charge in fiscal year 2016 the full price calculated for fiscal year 2015.

Summary:

This section specifies that the state will pay private special education providers the same price that the state paid last fiscal year, except for those programs that qualify for "extraordinary relief" under Operational Service Division regulations.

Section 34 - Commonwealth Care Trust Fund Transfer

SECTION 34.

Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$110,000,000 or a lesser amount, if the secretary of administration and finance so requests in writing, to the General Fund from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws.

Summary:

This section would require the Comptroller to transfer \$110,000,000 from the Commonwealth Care Trust Fund to the General Fund.

Section 35 - MassDOT Transferability

SECTION 35.

Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2016, the amounts specified in items 1595-6368, 1595-6369 and 1595-6370 of Section 2E of the General Appropriations Act may be distributed among the Massachusetts Department of Transportation, Massachusetts Bay Transportation Authority, or regional transit authorities in amounts determined by a schedule submitted to the comptroller by the secretary of transportation, at his or her sole discretion, to facilitate needed investment in preventative maintenance and asset preservation. Any such transfer shall be made not later than August 30, 2016.

Summary:

This section would authorize MassDOT to transfer money among its appropriations.

Section 36 - Regional Transit Authority MOUs

SECTION 36.

Notwithstanding any general or special law to the contrary, the Secretary of Transportation shall not allocate funds to a regional transportation authority over and above fiscal year 2013 funding levels without reaching agreement on a new Memorandum of Understanding with said agency that includes 1) a revised formula based on performance, 2) additional annual reporting requirements, and 3) assurances that the regional transportation authority is on schedule with respect to prior commitments to undergo a Department of Transportation audit and undertake a comprehensive service analysis.

Summary:

This section would require, as a condition of additional funding, regional transit authorities to enter into new memoranda of understanding with MassDOT. The new memoranda would include performance-based metrics, a service analysis, additional reporting and auditing requirements.

Section 37 - Transfer Administered Funds to General Fund

SECTION 37.

Notwithstanding any general or special law to the contrary, the Massachusetts Housing Finance Agency shall, on or before June 30, 2016, transfer \$4,000,000 from funds previously appropriated, or loans repaid, that the Agency administers on behalf of the commonwealth as a result of item 1231-1020 of section 2 of Chapter 151 of the acts of 1996, and \$2,500,000 from funds previously appropriated that the Agency administers on behalf of the commonwealth as a result of a program established by section 197E of chapter 111 of the General Laws, to the comptroller to be credited to the General Fund on account of fiscal year 2016.

Summary:

This section requires the Massachusetts Housing Finance Agency to transfer \$6.5 M to the General Fund. That sum represents loan proceeds from two programs administered by the agency on behalf of the Commonwealth: Title V (septic), and lead paint abatement.

Section 38 - Inspector General's Health Care Audits

SECTION 38.

Notwithstanding any general or special law to the contrary, in hospital fiscal year 2016, the office of the inspector general is authorized to expend a total of \$1,000,000 from the Health Safety Net Trust Fund, established by section 66 of chapter 118E of the General Laws, for costs associated with maintaining a Health Safety Net audit unit within the office. The unit shall continue to oversee and examine the practices in all hospitals including, but not limited to, the care of the uninsured and the resulting free charges. The unit shall also study and review the Massachusetts Medicaid program including, but not limited to, reviewing the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses on or before March 1, 2016.

Summary:

This section authorizes the Inspector General's Office to conduct audits of the Health Safety Net and the Medicaid program, at a cost of \$1 M for fiscal year 2016. As in past years, this cost will be borne by the Health Safety Net Trust Fund.

Section 39 - MassHealth Dental Coverage

SECTION 39.

Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal year 2016, the executive office of health and human services may determine the extent to which to include within its covered services for adults the federally-optional dental services that were included in its state plan or demonstration program in effect on January 1, 2002; provided that dental services shall be covered for adults at least to the extent covered as of June 30, 2015.

Summary:

This section proposes to allow MassHealth to provide the same level of dental benefits that it is offering in fiscal year 2015.

Section 40 - Nursing and Resident Care Facility Base Year

SECTION 40.

Notwithstanding any general or special law to the contrary, nursing facility and resident care facility rates effective October 1, 2015 under section 13D of chapter 118E of the General Laws may be developed using the costs of calendar year 2007, or any subsequent year the secretary of health and human services may select in her discretion.

Summary:

This section establishes 2007, or any subsequent year the secretary may choose, as the base year for nursing home rates in the Medicaid program in fiscal year 2016. This is the same base year used in fiscal year 2015.

Section 41 - Nursing Facility Assessment

SECTION 41.

Notwithstanding any general or special law to the contrary, the nursing home assessment established by subsection (b) of section 63 of chapter 118E of the General Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2016.

Summary:

This establishes that the nursing home user fee will deliver \$220 million in fiscal year 2016, which is the same amount as fiscal year 2015.

Section 42 - Initial Gross Payments to Qualifying Acute Care Hospitals

SECTION 42.

Notwithstanding any general or special law to the contrary, on or before October 1, 2015 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established pursuant to section 66 of chapter 118E of the General Laws, in this section called the fund, the greater of \$45,000,000 or one-twelfth of the total expenditures to hospitals and community health centers required pursuant to this act, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2015. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall transfer from the fund to the General Fund, not later than June 30, 2016, the amount of the transfer authorized by this section and any allocation of that amount as certified by the director of the health safety net office.

Summary:

This annual section requires the comptroller to transfer sufficient money from the General Fund to the Health Safety Net Trust Fund to make the required initial gross payment to qualifying hospitals. It requires the Health Safety Net Trust Fund to repay the General Fund before the end of fiscal year 2016.

Section 43 - MassHealth Transferability

SECTION 43.

Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, and 4000-1420 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than August 30, 2016.

Summary:

This section authorizes the secretary of health and human services, with the approval of the

secretary of administration and finance, to transfer any surpluses in MassHealth line items to other MassHealth line items that may be deficient during fiscal year 2016.

Section 44 - Transfers Between Health Funds

SECTION 44.

Notwithstanding any general or special law to the contrary, the executive office for administration and finance may transfer up to \$30,000,000 from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws. The executive office of health and human services and the health safety net office shall fund the hospital fiscal year 2016 payment amount to each hospital for services provided to low-income, uninsured or underinsured residents pursuant to sections 66 and 69 of chapter 118E from the Health Safety Net Trust Fund. Payments may be made either as safety net care payments under the commonwealth's waiver pursuant to section 1115 of the federal Social Security Act or as an adjustment to Title XIX service rate payments or a combination of both. Other federally permissible funding mechanisms available for public service hospitals, as defined by regulations of the executive office of health and human services, may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund. The secretary for administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector authority, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and any subsidized health insurance programs funded by the Commonwealth Care Trust Fund and may transfer monies between these funds to address such needs. The secretary for administration and finance shall notify the house and senate committees on ways and means and the joint committee on health care financing of any proposed transfers between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund at least 30 days before making any such transfers.

Summary:

This section authorizes the secretary for administration and finance to transfer from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund up to \$30 million, and throughout the fiscal year, to evaluate the revenue needs of the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund and to make additional transfers between those two funds. This section also authorizes the use of other federally permissible sources of payment to fund up to \$70 million of additional payments for uncompensated care beyond the \$30 million authorization specified in the section.

Section 45 - MassHealth Chiropractor Services Coverage

SECTION 45.

Notwithstanding section 53 of chapter 118E of the General Laws, the executive office of health and human services may determine the extent to which to include within its covered services for adults the federally-optional chiropractor services that were included in its state plan or demonstration program in effect on January 1, 2002.

Summary:

This section permits MassHealth to adjust the level of chiropractic benefits it offers in fiscal year 2016 from the 2002 levels MassHealth is required to provide under statute.

Section 46 - Skilled Nursing Facility User Fee Waiver

SECTION 46.

Notwithstanding any general or special law to the contrary, the executive office of health and human services shall submit an application to the federal Centers for Medicare and Medicaid Services for a waiver of the provisions of 42 U.S.C. §1396b(w)(3)(B) and 42 U.S.C. §1396b(w)(3)(C) relative to the nursing facility user fee established by section 63 of chapter 118E of the general laws. The waiver application shall seek approval to amend the classes of nursing facilities subject to the user fee and the amount of user fee liability imposed on certain nursing facilities, as follows. Each nursing facility shall be classified into one of the following four classes: (I) nursing facilities that do not meet the criteria for class (II), (III) (or) (IV), herein; (II) non-profit continuing care retirement communities and non-profit residential care facilities; (III) non-profit facilities with total Medicaid days in excess of a threshold level of such days established by regulation promulgated by the executive office of health and human services; and (IV) facilities that have no more than 100 licensed beds, do not participate in the Medicare or Medicaid programs under titles XVIII and XIX of the federal social security act, and were established and licensed in Massachusetts prior to July 30, 1965. All facilities in class (I) shall be required to pay a user fee at the rate established by regulation promulgated by the secretary of health and human services in conformity with the total annual user fee revenue amount established by relevant provisions of any general or supplemental appropriation act and section 63 of chapter 118E of the general laws. Nursing facilities in classes (II) or (III) shall be required to pay a user fee at a rate equal to ten percent of the user fee rate imposed on nursing facilities in class (I). Nursing facilities in class (IV) shall be exempt from liability for the user fee established under section 63 of chapter 118E of the general laws and as modified pursuant to this section. The waiver application required by this section shall be structured in a manner that will qualify it for automatic approval by the federal Centers for Medicare and Medicaid Services pursuant to 42 CFR 433.68.

Summary:

This section requires MassHealth to propose a waiver program for the skilled nursing facility user fee in a manner that will automatically qualify for federal approval.

Section 47 - Effective Date

SECTION 47.

Except as otherwise specified, this act shall take effect on July 1, 2015.

Summary:

This annual section provides that the budget shall take effect on July 1, 2015.

